IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 2315 of 2007(A)

PETITIONER:

RAJAMMA. K.P., W/O.AYYAPPAN,
PART-TIME SWEEPER, PRIMARY HEALTH CENTRE,
PINDIMANA, PINDIMANA P.O.,
KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.M.V.THAMBAN

RESPONDENTS:

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1. MEDICAL OFFICER-IN-CHARGE
PRIMARY HEALTH CENTRE, PIONDIMANA
PINDIMANA P.O., KOTHAMANGALAM
ERNAKULAM DISTRICT.

2. DISTRICT MEDICAL OFFICER (HEALTH)
ERNAKULAM.

3. DIRECTOR HEALTH SERVICES
THIRUVANANTHAPURAM.

4. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO THE GOVT.,
DEPARTMENT OF HEALTH & FAMILY WELFARE
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI.BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.2315 OF 2007-A.
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Dated this the 21st day of February, 2007.

J U D G M E N T

It is stated that while the petitioner had been working as Part Time Sweeper in the Primary Health Centre, Pindimana near Kothamangalam in Ernakulam district, her service was terminated. Thereafter she was engaged as Part Time Sweeper on daily wages. But pursuant to Ext.P2 order issued by the District Medical Officer her service was once again terminated. Ext.P2 shows that the District Medical Officer had directed the administrative authorities under him to terminate the services of Nursing Assistants, II Grade Hospital Attendants and Part Time Sweepers who were appointed after their retirement age. Counsel for the petitioner submits that the petitioner will not come within the purview of Ext.P2. However, the service of the petitioner was also terminated pursuant to Ext.P2 which is now challenged as an illegal action. It is also submitted that consequential vacancies have not been filled up, so far and that expeditious steps are being taken to appoint a candidate sponsored by the Employment Exchange as Part Time Sweeper.

2. It is not necessary for me, at this stage, to examine the legality of the action said to have been taken by the respondents, because the petitioner had approached the Government by filing Ext.P5 requesting to reappoint her as Part Time Sweeper in terms of G.O.(P)No.501/2005/Fin., dated 25-11-2005.

3. Claims for sanctioning regular posts of Part Time Sweepers or for regularisation of services or reinstatement, are to be considered by the Government in the light of Government order dated 25-11-2005 which guarantees the required consideration. Therefore, the case of the petitioner also shall be considered in the light of the provisions contained in Government order dated 25-11-2005.

4. The writ petition is, therefore, disposed of directing the 4th respondent to pass orders on Ext.P5 after calling for necessary reports from respondents 1 to 3. This shall be done, as expeditiously as possible, in any event within three months from the date of receipt of a copy of this judgment. The petitioner shall be given temporary employment as Part Time Sweeper in the existing vacancy. She shall be allowed to continue till decision is taken on Ext.P5 representation.

A copy of the writ petition and a copy of this judgment shall be produced by the petitioner before the respondents for information and compliance.

K.K.DENESAN, JUDGE.

kvs/-